

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

PATRICK ROMANO, et al.,)
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Plaintiffs,)
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v.) Case No. 2:23-CV-04043-BCW
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TORCH ELECTRONICS, LLC, et al.,)
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Defendants.)

ORDER

Before the Court are Plaintiffs' motion for reconsideration (Doc. #78) and motion for extension of time (Doc. #80). The Court, being duly advised of the premises, grants Plaintiffs' motion for reconsideration (Doc. #78) but denies as moot the motion for extension of time (Doc. #80).

On August 21, 2023, the Court entered an Order granting Defendants' motions dismiss Count I and declining to exercise supplemental jurisdiction over Counts II and III. (Doc. #76). The Court also entered a Clerk's Judgment. (Doc. #77). On August 28, 2023, Plaintiffs filed a motion for reconsideration arguing the Court has original jurisdiction over Counts II and III of the complaint under the Class Action Fairness Act ("CAFA"), 28 U.S.C.A. § 1332(d). Plaintiffs therefore request that the above-captioned matter be returned to active status. Defendants did not file an opposition. Accordingly, consistent with Plaintiffs' argument regarding the Court's original jurisdiction under CAFA over Counts II and III, Plaintiffs' motion for reconsideration (Doc. #78) is granted and the Clerk's Judgment (Doc. #77) is vacated. However, consistent with the Court's Order on Defendants' motions to dismiss (Doc. #76), Count I of the complaint remains dismissed.

On September 14, 2023, Plaintiffs filed a motion for extension of time to file a notice of appeal. (Doc. #80). Plaintiffs note the extension may be moot pursuant to the Court's forthcoming Order regarding their motion for reconsideration. Therefore, having granted Plaintiffs' motion for reconsideration, the Court denies as moot Plaintiffs' motion for extension of time (Doc. #80). Accordingly, it is hereby

ORDERED Plaintiffs' motion for reconsideration (Doc. #76) is GRANTED as to Counts II and III of the complaint. It is further

ORDERED the Clerk's Judgment (Doc. #77) is VACATED. It is further

ORDERED consistent with the Court's Order regarding Defendants' motions to dismiss (Doc. #76) Count I of the complaint remains dismissed. It is further

ORDERED Plaintiffs' motion for extension of time (Doc. #80) is DENIED AS MOOT. It is further

ORDERED the Clerk of the Court is directed to re-open the above-captioned matter.

IT IS SO ORDERED.

DATED: September 18, 2023

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT